

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

GREG GLADDEN,
PLAINTIFF

VS.

LARRY MORRISON & CRYSTAL
MORRISON,
DEFENDANTS

)
)
)
) CIVIL ACTION NO.
) 4:09-CV-00032
)
)
) ADMIRALTY

COPY

ORAL AND VIDEOTAPED DEPOSITION OF CRYSTAL MORRISON
AUGUST 6, 2009

ORAL AND VIDEOTAPED DEPOSITION OF CRYSTAL MORRISON, produced as a witness at the instance of MR. GREG GLADDEN and duly sworn, was taken in the above styled and numbered cause on, August 6, 2009, from 4:20 p.m. to 5:28 p.m., before Rhonda Landry, CSR, in and for the State of Texas, reported by machine shorthand, at the LAW OFFICE OF EVAN & KRAMER, 4848 Loop Central Drive, Suite 610, Houston, Harris County, Texas, pursuant to the Federal Rules of Civil Procedure and the provisions stated on the record herein.

1 depo.

2 MR. GLADDEN: I'm going to make her pay.

3 MS. LEWANDOS: Be nice. It's late in the day.

4 Q (BY MR. GLADDEN) Let me see, and you are married?

5 A Yes.

6 Q And you own the Jeanette Marie, together with your
7 husband?

8 A Yes.

9 Q Okay. And you've owned it about a year and a half. Do
10 you remember when you bought it?

11 A August of 2007 or eight. I don't remember the year. It
12 was 2008. It was last year.

13 Q Well --

14 A It was right on my birthday.

15 Q Well, no, wait. Had you had the boat more than a month
16 before the storm?

17 A No, it was 2007 then, yes.

18 Q Okay. So right at two years now?

19 A Yes.

20 Q Okay. Do you remember what you paid for it?

21 A A hundred thousand.

22 Q Okay. Do you know what the estimates are for the
23 repairs following the storm?

24 A Thirty-three thousand.

25 Q Okay. Do you have an opinion on what the value of the

1 your paper."

2 A I don't recall.

3 Q Larry testified that you tied the boat up; is that
4 correct?

5 A Yes.

6 Q Okay. And, and he testified that he came out after he
7 got off work sometime that day before dark?

8 A Uh-huh.

9 Q You heard him, I think that was his testimony?

10 MS. LEWANDOS: Okay. You said the 14th.

11 A That's where I'm confused.

12 Q (BY MR. GLADDEN) I'm sorry.

13 MS. LEWANDOS: And I don't want to confuse anybody.

14 MR. GLADDEN: I'm sorry, I'm sorry. You're right.

15 MS. LEWANDOS: And I apologize for interrupting.

16 Q (BY MR. GLADDEN) That's my -- the confusion's going to
17 be my fault most of the time. I was looking at the picture upside
18 down across the table, but that picture is after the storm. The
19 pictures before the storm were taken, I believe, on the 11th,
20 9-11, I should be able to remember that date; is that correct?

21 A Yes.

22 Q And do you recall if those pictures were taken after you
23 had secured the boat the way your insurance company suggested?

24 A Yes.

25 Q Okay. And it was?

1 A Yes.

2 Q Yeah. And do you recall what time of day that was?

3 A No, I do not.

4 Q If it was, if as Larry said, it was after he got off
5 work, does that help you any? Does he have fixed hours?

6 A No, sir.

7 Q Okay. Do you recall him working on the Thursday and
8 Friday before Hurricane Ike landed?

9 A I don't, no, not without having a calendar in front of
10 me. I don't recall.

11 Q Were you working on Thursday and Friday before Ike
12 landed?

13 A I worked the morning of the 11th and got dismissed.

14 Q Okay. Did they evacuate the island that same day?

15 A Yes.

16 Q Okay.

17 A Mandatory.

18 Q Did you evacuate the island that same day?

19 A Not that same day.

20 Q Did you leave the island before the storm?

21 A I left the island when I got evacuated from work and
22 went to Harborwalk, which is on the other side of the causeway.

23 Q Oh, that's right. And you did not go back to Galveston
24 Island?

25 A No.

1 Q Okay. Where did you stay, or where did you go?

2 A We stayed on the boat that night. Got up the next
3 morning. Continued to take the jib down. Do -- you know, take
4 the bimini top down. Went to our storage shed. Dropped all that
5 off and went to our friend's house in Seabrook. And stayed there
6 and watched the storm come in. Got up the next morning and went
7 to Orange.

8 Q Do you recall seeing the Diabliesse in the slip before
9 the storm?

10 A Yes.

11 Q Okay. Do you recall ever seeing me around the
12 Diabliesse?

13 A No.

14 Q Okay. Do you recall how long the Diabliesse had been
15 your neighbor before the storm?

16 A I don't recall.

17 Q Okay.

18 A A very short time.

19 Q Okay. There was some mention that you might have had
20 some help in either figuring out how to tie up the boat or
21 actually tying up the boat. Tell us about what kind of help you
22 might have had.

23 A John Angelina gave me extra lines and told me to snug
24 the boat up as tight as I could to the dock because it's a
25 floating dock. The dock goes up, the boat's going to go with it,

1 and he's like, "Cinch it up. Here's some more lines." He's like,
2 "Throw it out." I said, "Okay."

3 Q Okay. Do you know what a breast line is?

4 A No.

5 Q Okay. There's a blue line in some of the pictures that
6 you may remember going straight up from the dock with a loop onto
7 a cleat. Do you recall that line? Dark blue line?

8 A Uh-huh, yes, sir.

9 Q You do recall it?

10 A Yes, sir.

11 Q Okay.

12 A It was on the port side.

13 Q Yeah. It's in here. Morrison Exhibit No. 9, do you
14 recall that line?

15 A Yes.

16 Q And would you agree that's, as you say, cinched up
17 pretty tight?

18 A As tight as I'm -- my little body will, you know, allow
19 it, yeah.

20 Q All right. And I'm sorry. It was someone Angelina?

21 A John Angelina.

22 Q John Angelina. Was he a boat owner down there?

23 A Uh-huh, he is.

24 Q And a neighbor?

25 A Yes, he was on the same dock.

1 Q And was he in the powerboat across from you or one of
2 the other boats?

3 A He was in Demolition Man. Actually, he would have been
4 right across from you.

5 Q Okay. Did he actually participate in putting that rope
6 on?

7 A No.

8 Q Did he participate in putting any of the ropes on?

9 A No.

10 Q Did he literally supervise you in putting the ropes on?

11 A No.

12 Q But he suggested, just put as many ropes on as you got
13 and tighten them up --

14 A Uh-huh.

15 Q -- because the boat will go up and down with the dock,
16 right?

17 A Yes.

18 Q Did he tell you what kind of, of, of lines to use? In
19 other words --

20 A Huh-uh.

21 Q -- there's terms like spring lines and breast lines and
22 bow lines and stern lines. Did he use that terminology in telling
23 you what to do?

24 A No.

25 Q Okay. Do you know -- I asked a whole series of

1 questions about the age of the dock lines, whether you had bought
2 any new dock lines, the breaking strength of the dock lines. Are
3 your answers going to be any different than your husband's as far
4 as your knowledge of those dock lines?

5 A No.

6 Q So you don't know how old they were, the breaking
7 strength, the size, correct?

8 A Correct, no, I do not.

9 Q Okay. Don't have any knowledge, or at least at the time
10 of the storm, you didn't have any knowledge about suggested size
11 or breaking strength of dock lines for a boat as heavy as yours?

12 A No.

13 Q Okay. And there was a mention of a sailing class that
14 you took, two sailing classes that you took. One that was a day
15 or half a day, and the other one that was an overnight going, I
16 think, to Galveston and back from Kemah?

17 A Yes.

18 Q Is that correct?

19 A Actually, the first class was all weekend.

20 Q Uh-huh.

21 A That's the only thing different.

22 Q And so, two separate days, but not overnight?

23 A The first class was Saturday, Sunday. The second class
24 was overnight from Kemah to Galveston and then we went back.

25 Q That was a Saturday and Sunday or some other day of the

1 doesn't get --

2 Q Okay. And most of that was west of the bridge on the
3 ICW, the Intracoastal Waterway? On the same side of the causeway
4 that your -- that Dickinson's on?

5 A Yes.

6 Q Yeah. Have you ever taken her out into the Gulf?

7 A No.

8 Q Okay. Have you -- actually, I mean, a lot of that
9 sounds like motoring, correct?

10 A Yes.

11 Q Have you done much sailing with the Jeanette Marie yet?

12 A No.

13 Q Okay. Do you do much shopping at West Marine for your
14 boat equipment and boat stuff?

15 A Yes, if I'm going to buy something, I go there.

16 Q Uh-huh.

17 A But it's not often.

18 Q Yeah. You go to the one on Galveston Island right off
19 the freeway there?

20 A Actually, I go up to the one in Seabrook. It's better.

21 Q In Seabrook or Kemah?

22 A Kemah, on 2094.

23 Q Yeah, or might even be League City there, but.

24 A Yeah.

25 Q Right. Okay. You have a West Marine catalog --

1 A Uh-huh.

2 Q -- so you can shop at home or shop online, help you shop
3 online?

4 A Yes.

5 Q Okay. Have you ever seen the, the chart they have in
6 that catalog for size of rope suggested for size of boat?

7 A No.

8 Q And would you agree with your husband that, you guys
9 didn't buy any new rope or new lines for either Gustav or in
0 anticipation of Ike, correct?

1 A Correct.

2 Q Okay. Let's see, did you have additional lines or ropes
3 that you could have used to double up the bow line, for instance,
4 and the other lines where there were only one single lines
5 attaching your boat to the dock?

6 A Aside from what I used?

7 Q Uh-huh.

8 A No.

9 Q In fact, you borrowed lines from some, at least one
0 neighbor?

1 A He did give me a line, yes.

2 Q A line or multiple lines?

3 A A line.

4 Q Where did you use that one?

5 A I don't recall.

1 Q Okay. But he, I guess, was -- that was probably all he
2 had to spare in anticipation of the hurricane, correct?

3 A Correct.

4 Q And he didn't tell you any particular place you needed
5 to add that line? He just said, "Here's one I don't need and you
6 can use that, too"?

7 A Correct.

8 Q Yeah. And I think you've answered this, I'm sorry. But
9 neither he or anybody else, other than your husband, came over and
10 reviewed your work product in tying the boat up in preparation for
11 the hurricane, did they?

12 A No.

13 Q Did you ask anybody if they could come help you?

14 A No.

15 Q Would it be fair to say, there were a bunch of people
16 down there securing their boats on that Thursday that you did
17 that?

18 A Correct.

19 Q Okay. And you knew -- how long had you had the boat at
20 that marina?

21 A A year.

22 Q So you knew --

23 A Yeah.

24 Q -- enough people that you could have asked for help or
25 suggestions or advice, correct?

1 A Correct.

2 Q Okay. Do you know why you didn't?

3 A Because they were busy tying up their boats.

4 Q There was one big powerboat that was across from you
5 that was, I don't know how many levels were inside of it, but it
6 seemed like it was three stories. It seemed like, there was a
7 flying bridge and then inside and then probably sleeping areas and
8 stuff below, correct?

9 A Uh-huh, the Grand Banks.

10 Q Yeah. And that was on -- that was in the slip like
11 yours across, across on the same E dock, but it was on the other
12 side?

13 A Correct.

14 Q And that boat broke loose, too, right?

15 A Correct.

16 Q Okay. Did you have any discussion with them about how
17 to tie the boat up, or were you even aware of what they were doing
18 to secure their boat?

19 A I didn't see them that day.

20 Q Okay. Is that an older couple that owns that boat?
21 You're, you know --

22 MS. LEWANDOS: Careful what you say, "older."

23 Q (BY MR. GLADDEN) Present company, present company will,
24 will have to just grin and bear your answer. How old do you think
25 they might be, ball park?

1 A Middle sixties, late sixties.

2 Q Yeah. And that boat broke free and ended up in the
3 parking lot?

4 A Correct.

5 Q Okay. After the storm, did you notice whether any of
6 the cleats on their dock, their finger dock, were broken?

7 A I don't recall.

8 Q And I don't guess, you looked at their boat closely
9 enough to determine whether any of their cleats broke?

10 A No, sir.

11 Q Okay. Do you know of any reason -- can we agree, your
12 boat did get loose from its, its position tied up at the or
13 secured at its slip because of the storm?

14 A Yes.

15 Q Okay. Other than the lines breaking, do you know of any
16 other reason that it, that it got loose?

17 MS. LEWANDOS: Objection, form.

18 A No.

19 Q (BY MR. GLADDEN) I'm going to ask you the same question
20 I asked your husband, and maybe you -- I'm sure you heard me ask
21 it, and maybe you thought about it. But what other things do you
22 think you might have done that would have kept the Jeanette Marie
23 at her slip?

24 A I don't know.

25 Q Okay. Have you since looked into hurricane preparation

1 strategies and advice?

2 A No.

3 Q Prior to the storm, did you review any books or fliers
4 or information specifically oriented toward hurricane preparation
5 for boat owners?

6 A No.

7 Q Do you know whether Nationwide Insurance has that
8 information, how to prepare your boat for hurricane available
9 online?

10 A No.

11 Q Do you know whether West Marine has that information
12 available in their catalog and online?

13 A No, I do not.

14 Q Do you know whether there are classes that are given
15 annually by yacht brokers and yacht clubs in the area to help
16 their, help the boat owners in the area know how to prepare their
17 boats for hurricanes?

18 A No, I don't know.

19 Q Have you ever attended any such class?

20 A No.

21 Q You handle most of the, it sounds like, you handle a lot
22 of the financial stuff in your household?

23 A Yes.

24 Q Is that fair?

25 A Yes.

1 Q You knew you had liability insurance and had to have it
2 to move your boat into that marina, correct?

3 A Correct.

4 Q And what was your understanding of what you were paying
5 for it when you bought that liability insurance? What was that
6 good for, other than getting you a slip in the marina?

7 A I don't recall. JM helped me with the insurance and
8 said, "This is what you've got to have and this is what you need,"
9 and I said, "Okay."

10 Q Okay. You do understand liability insurance, whether
11 it's for your boat or your car is, if there's an accident and it's
12 your fault, the insurance company is going to take care of you?

13 A Correct.

14 MS. LEWANDOS: Objection, form.

15 Q (BY MR. GLADDEN) Okay. Or at least take care of you to
16 the limits of your policy?

17 A Correct.

18 Q Why were you tying the boat up in the fashion that you
19 tied it up before the storm?

20 A I don't -- ask, say that again.

21 Q Why were you tying the boat up in the fashion depicted
22 in these pictures?

23 A I don't recall.

24 Q As you sit here now, you don't know why you did that?

25 A No.

1 Q Did you tie it up like that every weekend?

2 A No.

3 Q And you don't know why you did it differently this
4 weekend?

5 A Because there was a hurricane coming.

6 Q Okay. And what did you do differently in tying it up
7 because there was a hurricane coming than you did any other 52
8 weeks before the hurricane?

9 A I threw on several more lines than what we would
10 normally use. I mean, that's all I can really say. I just threw
11 on more lines.

12 Q Uh-huh. At the time you were tying up the boat, did you
13 have an understanding of the danger of chafing to dock lines when
14 it comes to tying a boat up in a storm?

15 A No.

16 Q Did you understand what the chafing gear was for that is
17 shown in some of these pictures?

18 A No.

19 Q Did you make any effort to learn what the chafing gear
20 was for that's depicted in some of these pictures?

21 A Since the storm, yes.

22 Q Okay. But before the storm, you didn't ask anybody
23 or --

24 A No.

25 Q -- you didn't know what it was and you didn't ask

1 anybody?

2 A No.

3 Q The -- would it be fair to say that, following the, the
4 storm, there were a lot of the ropes still tied to the cleats that
5 had frayed through and broken that were -- you were using to tie
6 up the Jeanette Marie?

7 MS. LEWANDOS: Object to form.

8 A I don't recall.

9 Q (BY MR. GLADDEN) Do you know how the Jeanette Marie
10 happened to end up in the slip of Diabliesse?

11 MS. LEWANDOS: Object to form.

12 A No, I wasn't there.

13 Q (BY MR. GLADDEN) Did you wonder about that?

14 A No.

15 Q Why not?

16 A I don't know.

17 Q Just didn't care?

18 A I cared, but it just wasn't --

19 Q Were you concerned that it might happen again in the
20 next storm at all?

21 A I haven't thought about that.

22 Q You have not thought about that?

23 A (Nodding negatively.)

24 Q You figure your insurance will cover you next time?

25 MS. LEWANDOS: Objection, form. Don't answer that.

1 Q (BY MR. GLADDEN) And what difference does that make, do
2 you think?

3 MS. LEWANDOS: Objection, form.

4 A From my observation, everybody on the end was moved.
5 There was destruction. Everybody at the end.

6 Q (BY MR. GLADDEN) And when you say "everybody," who do
7 you mean? What are you saying?

8 A This powerboat here sank. I was displaced. So was the
9 Grand Banks. The dock in front of us, whatever letter that is.
10 We're E. There were boats on the end T-dock that were displaced.

11 Q The -- we were -- would you agree your boat and my boat
12 were both on E dock?

13 A Yes.

14 Q And on Morrison 11, there's a circle around a boat
15 that -- would you agree that's probably either your boat or it's
16 where your boat is or was at the time of the storm?

17 A Yes.

18 Q And there's an "X" on a boat next to it, which would be
19 where my boat was parked at the begin -- before the storm?

20 A Correct.

21 Q All right. On the next dock over, there's a big metal
22 boat. I think may have been brought down from Alaska or
23 somewhere. Do you know that boat I'm talking about?

24 A Uh-huh, yes.

25 Q He was actually on the end outside the dock, correct?

1 example. You don't know specifically what that means, right?

2 You're not a lawyer. It's a legal term.

3 If I'm a professional prize fighter and you are,
4 too, and we get in the ring and break each others nose, we're not
5 going to have much of a lawsuit against each other, because we
6 have both assumed that risk by doing what we did, right?

7 A Right.

8 Q Can you think of any way I assumed the risk that caused
9 the sinking of Diabliesse?

10 MS. LEWANDOS: Objection, form.

11 Q (BY MR. GLADDEN) Well, you, you -- can you explain to
12 me, what you mean in your answer that, that Greg Gladden assumed
13 the risk and relieves you of any responsibility?

14 MS. LEWANDOS: Objection, form. Don't answer it.

15 MR. WINTON: Excuse me?

16 MS. LEWANDOS: Don't answer it.

17 MR. WINTON: On what basis?

18 MS. LEWANDOS: Because she didn't prepare the
19 answer, I did.

20 MR. WINTON: It's not a basis for instructing her
21 not to answer.

22 MS. LEWANDOS: Well, I just did.

23 MR. WINTON: A trip to see the judge.

24 MS. LEWANDOS: Okay.

25 Q (BY MR. GLADDEN) You have alleged that I assumed the